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**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 2008-343

MARY MARGARET CHAVES,
a.k.a. MARY MARGARET EDWARDS
1543 Hanford Street
Redlands, CA 92374

ACCUSATION

Registered Nurse License No. 394412

Respondent.

Complainant alleges:

PARTIES

1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation solely in her official capacity as the Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.
2. On or about February 28, 1986, the Board issued Registered Nurse License Number 394412 to Mary Margaret Chaves, also known as Mary Margaret Edwards ("Respondent"). Respondent's registered nurse license was in full force and effect at all times relevant to the charges brought herein and will expire on December 31, 2009, unless renewed.

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1 (a) Any drug that bears the legend: "Caution: federal law prohibits dispensing
2 without prescription," "Rx only," or words of similar import.

3 (b) Any device that bears the statement: "Caution: federal law restricts this device
4 to sale by or on the order of a -----," "Rx only," or words of similar import, the
blank to be filled in with the designation of the practitioner licensed to use or
order use of the device.

5 (c) Any other drug or device that by federal or state law can be lawfully dispensed
6 only on prescription or furnished pursuant to Section 4006.

7 8. Code section 4060 states, in pertinent part:

8 No person shall possess any controlled substance, except that furnished to a
9 person upon the prescription of a physician, dentist, podiatrist, optometrist,
10 veterinarian, or naturopathic doctor pursuant to Section 3640.7, or
11 furnished pursuant to a drug order issued by a certified nurse-midwife pursuant to
12 Section 2746.51, a nurse practitioner pursuant to Section 2836.1, a physician
13 assistant pursuant to Section 3502.1, a naturopathic doctor pursuant to Section
14 3640.5, or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or
clause (iv) of subparagraph (A) of paragraph (5) of, subdivision (a) of Section
4052. This section shall not apply to the possession of any controlled substance
by a manufacturer, wholesaler, pharmacy, pharmacist, physician, podiatrist,
dentist, optometrist, veterinarian, naturopathic doctor, certified nurse-midwife,
nurse practitioner, or physician assistant, when in stock in containers correctly
labeled with the name and address of the supplier or producer . . .

15 9. Health and Safety Code ("H&S" Code) section 11170 states that no person
16 shall prescribe, administer, or furnish a controlled substance for himself.

17 10. H&S Code section 11173, subdivision (a), states, in pertinent
18 part, that "[n]o person shall obtain or attempt to obtain controlled substances, or procure or
19 attempt to procure the administration of or prescription for controlled substances, (1) by fraud,
20 deceit, misrepresentation, or subterfuge . . ."

21 11. California Code of Regulations, title 16, section ("Regulation") 1442
22 states:

23 As used in Section 2761 of the code, 'gross negligence' includes an extreme
24 departure from the standard of care which, under similar circumstances, would have
25 ordinarily been exercised by a competent registered nurse. Such an extreme
26 departure means the repeated failure to provide nursing care as required or failure to
provide care or to exercise ordinary precaution in a single situation which the nurse
knew, or should have known, could have jeopardized the client's health or life.

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1 **COST RECOVERY**

2 12. Code section 125.3 provides, in pertinent part, that the Board may request
3 the administrative law judge to direct a licentiate found to have committed a violation or
4 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
5 and enforcement of the case.

6 **DRUGS**

7 13. “**Dilaudid**”, a brand of hydromorphone, is a Schedule II controlled
8 substance as designated by H&S Code section 11055, subdivision (b)(1)(K), and is a dangerous
9 drug within the meaning of Code section 4022 in that it is available by prescription only.

10 14. “**Morphine Sulfate**” is a Schedule II controlled substance as designated by
11 H&S Code section 11055, subdivision (b)(1)(M), and is a dangerous drug within the meaning of
12 Code section 4022 in that it is available by prescription only.

13 **PARKVIEW COMMUNITY HOSPITAL**

14 **FIRST CAUSE FOR DISCIPLINE**

15 **(Diversion and Possession of a Controlled Substance)**

16 15. Respondent is subject to disciplinary action pursuant to Code section 2761,
17 subdivision (a), on the grounds of unprofessional conduct, as defined by Code section 2762,
18 subdivision (a), in that on or about July 31, 2005, while on duty as a registered nurse in the
19 Emergency Room (“ER”) at Parkview Community Hospital (“PCH”) in Riverside, California,
20 Respondent did the following:

21 **Diversion of a Controlled Substance:**

22 a. Respondent obtained the controlled substance Dilaudid by fraud, deceit,
23 misrepresentation, or subterfuge, in violation of H&S Code section 11173, subdivision (a), as
24 follows: At approximately 16:39 hours on the date indicated above, Respondent removed
25 Dilaudid 4 mg from the Pyxis in the name of a patient when, in fact, there was no physician’s
26 order for the medication and the patient had been discharged from the hospital at 15:45 hours.
27 Further, Respondent failed to chart the administration or wastage of the Dilaudid in the ER
28 records or the Nurse’s Notes and otherwise account for the disposition of the Dilaudid 4 mg.

1 **Possession of a Controlled Substance:**

2 b. On the date indicated above, Respondent possessed 4 mg of the controlled
3 substance Dilaudid without a valid prescription from a physician, dentist, podiatrist, optometrist,
4 veterinarian, or naturopathic doctor, in violation of Code section 4060.

5 **SECOND CAUSE FOR DISCIPLINE**

6 **(False Entries in Hospital/Patient Records)**

7 16. Respondent is subject to disciplinary action pursuant to Code section 2761,
8 subdivision (a), on the grounds of unprofessional conduct, as defined by Code section 2762,
9 subdivision (e), in that on or about July 31, 2005, while on duty as a registered nurse in the ER at
10 PCH in Riverside, California, Respondent falsified, or made grossly incorrect, grossly
11 inconsistent, or unintelligible entries in hospital, patient, or other records pertaining to the
12 controlled substance Dilaudid in that Respondent falsified the records of Patient "A" by writing
13 in physician's orders for the administration of Dilaudid when, in fact, she had been given no such
14 orders. On said date, registered nurse J.M. noticed Respondent completing her charting on a
15 patient in the hallway. J.M. witnessed Respondent charting in the section for physician's orders
16 and noted that Respondent had not written in "V/O or equivalent" (indicating a verbal order by
17 the physician) near the orders she had written for the administration of Dilaudid to the patient.
18 When J.M. contacted the patient's physician, Dr. G., to inquire as to whether he had given
19 Respondent verbal orders for the administration of Dilaudid to his patient, he denied giving any
20 such orders.

21 **THIRD CAUSE FOR DISCIPLINE**

22 **(Gross Negligence)**

23 17. Complainant incorporates by reference as though fully set forth herein the
24 allegations contained in paragraph 15 and 16 above.

25 18. Respondent is subject to disciplinary action pursuant to Code section 2761,
26 subdivision (a)(1), on the grounds of unprofessional conduct, in that on or about July 31, 2005,
27 while on duty as a registered nurse in the ER of PCH, Respondent was guilty of gross negligence
28 within the meaning of Regulation 1442, as follows:

1 2. On or about December 10, 2005, at approximately 10:54 a.m., Respondent
2 removed Morphine Sulfate 10 mg under the name of a patient, when, in fact, there was no
3 physician's order authorizing the medication for the patient. Further, Respondent failed to chart
4 the administration or wastage of the Morphine Sulfate in the patient's Medication Summaries
5 and/or Nursing Notes in order to conceal her diversion of the Morphine Sulfate.

6 **Possession of Controlled Substances:**

7 b. On or about and between November 9, 2005, and January 8, 2006,
8 Respondent possessed unknown quantities of the controlled substance Dilaudid and 10 mg of the
9 controlled substance Morphine Sulfate without valid prescriptions from a physician, dentist,
10 podiatrist, optometrist, veterinarian, or naturopathic doctor, in violation of Code section 4060.

11 **FIFTH CAUSE FOR DISCIPLINE**

12 **(False Entry in Hospital/Patient Records)**

13 20. Respondent is subject to disciplinary action pursuant to Code section 2761,
14 subdivision (a), on the grounds of unprofessional conduct, as defined by Code section 2762,
15 subdivision (e), in that on January 8, 2006, while on duty as a registered nurse in the ED at
16 MVCH, Moreno Valley, California, Respondent falsified, or made grossly incorrect, grossly
17 inconsistent, or unintelligible entries in hospital, patient, or other records pertaining to the
18 controlled substance Dilaudid in that Respondent falsified the records of Patient "B" by writing
19 in physician's orders for the administration of Dilaudid when, in fact, she had been given no such
20 orders. On said date, Respondent requested that registered nurse A.T. witness the wastage of
21 some Dilaudid. When A.T. requested that Respondent show her a copy of the physician's orders
22 in the patient's chart for the Dilaudid, Respondent told her that physician Dr. G. had given her a
23 verbal order by telephone. A.T. then witnessed Respondent write the physician's orders for
24 Dilaudid in the patient's chart. When nursing supervisor T.P. contacted Dr. G. to inquire as to
25 whether he had given Respondent verbal orders for the administration of Dilaudid to his patient,
26 he denied giving any such orders.

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1 SIXTH CAUSE FOR DISCIPLINE

2 (Gross Negligence)

3 21. Complainant incorporates by reference as though fully set forth herein the
4 allegations contained in paragraphs 19 and 20 above.

5 22. Respondent is subject to disciplinary action pursuant to Code section 2761,
6 subdivision (a)(1), on the grounds of unprofessional conduct, in that on or about and between
7 November 9, 2005, and January 8, 2006, while on duty as a registered nurse in the ED at MVCH,
8 Respondent was guilty of gross negligence within the meaning of Regulation 1442, as follows:

9 a. Respondent withdrew from the Pyxis and possessed, without physician's
10 orders, the controlled substances Dilaudid and Morphine Sulfate. Further, Respondent failed to
11 account for the administration of the Dilaudid and Morphine Sulfate, placing patient safety at
12 risk.

13 b. Respondent falsified the medical records of a patient by entering orders for
14 the controlled substance Dilaudid that were not given by a physician, placing the patient's safety
15 in grave danger.

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1 PRAYER

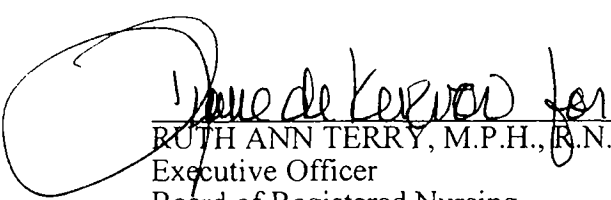
2 WHEREFORE, Complainant requests that a hearing be held on the matters herein
3 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

4 1. Revoking or suspending Registered Nurse License Number 394412, issued
5 to Mary Margaret Chaves, also known as Mary Margaret Edwards;

6 2. Ordering Mary Margaret Chaves, also known as Mary Margaret Edwards, to
7 pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of
8 this case, pursuant to Business and Professions Code section 125.3; and

9 3. Taking such other and further action as deemed necessary and proper.

10 DATED: June 10, 2008

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14 RUTH ANN TERRY, M.P.H., R.N.
15 Executive Officer
16 Board of Registered Nursing
17 Department of Consumer Affairs
18 State of California
19 Complainant
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